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DE RUEHAM #3280/01 3461328
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R 111328Z DEC 08
FM AMEMBASSY AMMAN
TO RUEHC/SECSTATE WASHDC 3961
INFO RUEHGB/AMEMBASSY BAGHDAD 6123
RUEHLB/AMEMBASSY BEIRUT 2952
RUEHEG/AMEMBASSY CAIRO 3852
RUEHDM/AMEMBASSY DAMASCUS 4024
RUEHRH/AMEMBASSY RIYADH 2061
RUEHTV/AMEMBASSY TEL AVIV 1437
RUEHJM/AMCONSUL JERUSALEM 5260

C O N F I D E N T I A L AMMAN 003280

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STATE FOR NEA/ELA, NEA/RA, AND DRL

E.O. 12958: DECL: 12/10/2018
TAGS: [PHUM](#) [PGOV](#) [KWMN](#) [SOCI](#) [JO](#)
SUBJECT: JORDANIAN COURT DELIVERS STRICTER HONOR CRIME
SENTENCES

REF: A. AMMAN 3123
[B. AMMAN 3116](#)
[C. 03 AMMAN 6027](#)

Classified By: Ambassador R. Stephen Beecroft
for reasons 1.4 (b) and (d)

[1](#)1. (SBU) Summary: The criminal court handed down on December 1 uncharacteristically strict seven-and-a-half-year sentences in two separate cases in which the defendants each claimed they murdered female relatives because they tainted their family's honor. Until these rulings, perpetrators of such honor killings received drastically commuted sentences as judges used Article 98 of the penal code and cultural acceptance of the concept of "family honor." The King's statement that all forms of violence against women and children must be eliminated to a group of daily newspaper editors appears to be behind the stricter sentencing. Despite this step forward, hurdles remain. End Summary

Court Hands Down Stricter Punishments for Honor Crimes

[1](#)2. (U) In separate trials on December 1, two men were sentenced to seven-and-a-half years each for murdering female relatives in acts that the defendants characterized as honor crimes because the female victims had tarnished the family's honor. In one case, a man shot his niece because she refused to divorce a man she had sex with before they were married. In the other case, the man strangled his 16-year old sister because she disappeared for three days after a quarrel with her husband and refused to tell her brother where she had been.

[1](#)3. (U) The December 1 convictions are significantly stricter than the usual jail term of three to six months handed down to-date when the defendant claims his actions were an honor crime. In recent years, only one other relatively strict sentence of 10 years has been handed down in an honors crimes case. NOTE: So far in 2008 there have been 16 honor killings made public in Jordan. Since 1997, there have been between 17 and 25 honor crimes per year, though activists estimate the real number to be significantly higher. END NOTE.

[1](#)4. (U) In the past, judges have handed out light sentences based on Penal Code Article 98 - the "fit of fury" or "crime of passion" clause, which punishes offenders with prison terms of only three months to two years. Since the law is derived from the French Napoleonic Code, defense is based on the perpetrator's description of his own state of mind rather than on a professional assessment. Judges have even cited

this law in cases where long periods of time lapsed between the killer finding out about the allegations of impropriety and the actual murder. For example on April 30, a man was sentenced to six months for electrocuting his teenage daughter after she fled her husband due to "abnormal sexual activities." In that case, the court ruled the crime was not premeditated but was committed in an act of rage despite the father's promise not to harm his daughter when the police turned her over to his custody.

15. (SBU) The December 1 sentences were longer, according to press reports, because the two different criminal court panels of three judges that heard each case determined the killings were not committed in a moment of rage and that there was no proof the women dishonored their family. As such, neither panel used Article 98. A day later, one of the same panels sentenced a man who attempted to kill his sister for being pregnant out of wedlock to seven years in prison but commuted it to three years and nine months because the victim dropped the charges.

16. (SBU) A long-time activist seeking to end honor killings, journalist Rana Hussein, told Poloff December 4 that the stiffer sentences were directly linked to November 8 comments by King Abdullah II on the need to impose maximum penalties on those convicted of harming women and children (ref a). Hussein, a Jordan Times senior reporter who reported on all three cases, said that one of the judges talked about the King's remarks when discussing his decision with her. Another judge just months earlier had given the six-month sentence to the man who electrocuted his daughter.

17. (C) Comment: The biggest hurdles to ending "honor crimes" are two-fold: the tribal makeup of Jordanian society, which puts responsibility for social issues in the hands of the tribal leaders and the widely held view that women do not have equal societal standing. In fact, after a 2003 failed attempt by the King and Queen to amend a little-used penal code article (Article 340) directly dealing with honor crimes, the GOJ now appears to prefer to address the issue indirectly (ref C). Minister of Justice Odeh has told Embassy officials that the government plans to increase the minimum sentence under Article 98 to five years by placing an amendment in a much larger penal code package of amendments expected to come before the tribal dominated Parliament early next year. Despite hurdles to actual reforms, the recent sentences do represent a step forward in creating more judicial precedent for tougher sentencing. It remains to be seen however, if the King's November 8 remarks will have a long-term impact on future judicial rulings and whether they will influence Parliamentary actions.

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